

Message Text

CONFIDENTIAL

PAGE 01 WARSAW 02407 221522Z
ACTION EUR-12

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C O N F I D E N T I A L WARSAW 2407

E.O. 11652: GDS
TAGS: CVIS CSCE SHUM SCUL PL US
SUBJ: VISA REFUSALS

REF: (A) STATE 29570; (B) WARSAW 1450; (C) WARSAW 2323;
(D) WARSAW 1972

1. DURING THE CONVERSATION ON DIVIDED FAMILIES REPORTED IN REF (C), DIRECTOR SZEWCZYK SAID HE WAS NOT READY TO GIVE US A REPLY TO OUR EARLIER DEMARCHE (REF D) ON DENIAL OF POLISH VISAS TO AMERICAN CITIZENS. SZEWCZYK ASKED THE DCM TO COME TO THE MFA TODAY, MARCH 22, TO RECEIVE THIS REPLY.

2. SZEWCZYK READ FROM THE FOLLOWING "NON PAPER": BEGIN TEXT:
THE POLISH AUTHORITIES HAVE TAKEN NOTE OF THE PRESENTATION MADE BY THE DEPARTMENT OF STATE TO THE EMBASSY OF THE POLISH PEOPLE'S REPUBLIC IN WASHINGTON, D.C. IN THE CASE OF VISAS FOR LIDIA WASILEWSKA-GUTMAN, CHRISTINE WOJTKIEWICZ AND JULIAN BERENGAUT. UPON THE RENEWED AND THOROUGH EXAMINATION OF EACH OF THESE CASES THE APPROPRIATE POLISH AUTHORITIES DO NOT SEE THE POSSIBILITY TO CHANGE THE PREVIOUS DECISIONS. THESE DECISIONS ARE NOT OF A DISCRIMINATORY NATURE. THE PERSONS INVOLVED WHO ARE NOW US CITIZENS WERE RESIDING IN POLAND FOR MANY YEARS AND THE POLISH AUTHORITIES HAVE REASONS TO DENY THE VISAS. ACCORDING TO THE ACCEPTED CUSTOMS THE POLISH SIDE, HOWEVER, IS NOT BOUND TO
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 WARSAW 02407 221522Z

DISCLOSE THE MOTIVES IT HAS BEEN GUIDED BY WHEN TAKING THE SPECIFIC VISA DECISIONS. END TEXT.

3. THE DCM REFERRED TO EARLIER CONVERSATIONS IN WARSAW (REF B) ON OTHER VISA REFUSALS (WANCZER, SZECHTER, AND ZIEMECKI). HE ALSO MENTIONED THE SIMMONDS CASE RAISED BY THE EE DESK OFFICER WITH POLISH CONSUL PILAT ON JANUARY 19 (REF A). HE ASKED IF

SZEWCZYK HAD ANY INFORMATION ON THESE CASES. SZEWCZYK SAID HE DID NOT, AND WE SHOULD PURSUE THEM WITH THE CONSULAR DEPARTMENT OF THE MFA. HE COULD ONLY ADDRESS THE QUESTIONS MR. ANDREWS HAD DISCUSSED WITH POLISH CHARGE PAWLISZEWSKI ON FEBRUARY 1.

4. THE DCM EXPRESSED DISAPPOINTMENT AT THE POLISH REPLY. HE SAID THE WHOLE QUESTION OF FREEDOM OF MOVEMENT WAS CONTROVERSIAL ENOUGH, AND THE NUMBERS AND CIRCUMSTANCES OF THESE VISA REFUSALS COULD ONLY COMPLICATE THE QUESTION FURTHER. SZEWCZYK SAID HE WAS SORRY THE POLISH SIDE COULD NOT BE MORE RESPONSIVE, AND HE HOPED THE EMBASSY COULD PREVENT THESE DENIALS FROM BEING "BLOWN OUT OF PROPORTION". THE DCM REPLIED THAT US AND POLISH NOTIONS OF THE PROPER PROPORTIONS OF THIS PROBLEM OBVIOUSLY DIFFERED. WE COULD NOT ACCEPT THE GOP'S ASSERTION THAT THESE DENIALS WERE UNIMPORTANT OR UNRELATED TO THE GENERAL STATE OF BILATERAL RELATIONS. THEY TOUCHED ON A FUNDAMENTAL PRINCIPLE IN WHICH WE BELIEVE STRONGLY: THE FREEDOM OF PEOPLE TO TRAVEL WHEREVER THEY PLEASE. FURTHERMORE, SOME OF THESE CASES INVOLVED GENUINE HUMANITARIAN CONSIDERATIONS, AND WE COULD NEITHER ACCEPT NOR UNDERSTAND THE ARBITRARY NATURE OF THE POLISH DECISION. OBVIOUSLY, THE DCM CONCLUDED, THE POLISH GOVERNMENT HAS THE SOVEREIGN RIGHT TO DENY VISAS TO WHOMEVER IT CHOOSES, WITHOUT PROVIDING EXPLANATION TO OUTSIDERS. THE GOP COULD NOT EXPECT, HOWEVER, THE US GOVERNMENT TO ACCEPT WITHOUT QUESTION SUCH DECISIONS OR TO IGNORE THEM WHEN CONSIDERING OTHER FACETS OF OUR BILATERAL TIES.

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 WARSAW 02407 221522Z

5. COMMENT: WE WILL PRESS FOR RECONSIDERATION OF THE CASES NOT COVERED IN SZEWCZYK'S REPLY. AS FOR THE THREE HE DID DISCUSS, WE BELIEVE CONGRESSIONAL INTERVENTION WOULD BE IN ORDER, AND IF THAT DOES NOT WORK PUBLIC STATEMENTS BY THE APPLICANTS WOULD PROBABLY DO NO HARM. END COMMENT.

6. FOR THE DEPARTMENT'S INFORMATION, WE HAVE DISCUSSED WITH THE SWEDISH EMBASSY CASES INVOLVING JEWS WHO LEFT POLAND FOR SWEDEN DURING 1967-1970 (REF A, PARA 6). WE ARE TOLD THAT, WITH ALMOST NO EXCEPTIONS, REQUESTS TO RETURN ON VISITS TO POLAND HAVE BEEN DENIED. THE SWEDISH PRIME MINISTER, WHO WILL VISIT POLAND IN APRIL, WILL PROBABLY RAISE THIS SUBJECT IN HIS CONVERSATIONS WITH GIEREK, JAROSZEWICZ AND OTHER POLISH OFFICIALS.

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